

Washington, Saturday, June 7, 1941

The President

EXECUTIVE ORDER

AUTHORIZING THE UNITED STATES MARI-TIME COMMISSION TO TAKE OVER CER-TAIN FOREIGN MERCHANT VESSELS

WHEREAS section 1 of the act of Congress entitled "An Act to authorize the acquisition by the United States of title to or the use of domestic or foreign merchant vessels for urgent needs of commerce and national defense, and for other purposes", approved June 6, 1941, provides, in part:

* * during the existence of the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, the President is authorized and empowered, through such agency or officer as he shall designate, to purchase, requisition, for any period during such emergency charter or requisition the use of, or take over the title to, or the possession of, for such use or disposition as he shall direct, any foreign merchant vessel which is lying idle in waters within the jurisdiction of the United States, including the Philippine Islands and the Canal Zone, and which is necessary to the national defense * * *

AND WHEREAS I find that the foreign merchant vessels now lying idle in waters within the jurisdiction of the United States, including the Philippine Islands and the Canal Zone, are necessary to the national defense:

NOW, THEREFORE, by virtue of the authority vested in me by the aforesaid act, it is hereby ordered as follows:

1. The United States Maritime Commission (hereinafter called the "Commission") is hereby authorized and empowered, at such time or times and upon such terms and conditions as the Commission shall deem desirable and conducive to the national defense, to purchase, requisition, charter, requisition the use of, or take over the title to, or the possession of, any or all foreign merchant vessels which are lying idle in waters within the jurisdiction of the United States, including the Philippine Islands and the Canal Zone, including all tackle,

apparel, furniture, spare parts and equipment, and all stores, including fuel, aboard such vessels or appertaining thereto, for the use and disposition hereinafter directed.

2. Without limiting the authority of the Commission under the provisions of sections 3, 4, and 5 of the said act of Congress or under any other provision of law, the Commission is authorized and directed, to such extent and upon such terms and conditions as the Commission shall deem desirable and conducive to the national defense:

(a) To operate any or all of such vessels, either directly or by agent, in any service of the United States, or in any commerce, foreign or coastwise.

(b) To charter or lease any or all of such vessels to any persons for operation in any service of the United States, or in any commerce, foreign or coastwise: Provided, that no vessel shall be transferred, chartered, or leased to any belligerent government without the approval of the President.

(c) To document any or all of such vessels under the laws of the United States or any neutral country of the Western Hemisphere.

(d) To make such other use or disposition of any or all of such vessels as the President may hereafter direct.

(e) To repair, equip, and man such vessels and to do whatever may be necessary to accomplish the purposes of the said act or this order.

3. The Commission is directed to determine and make to the owner or owners of any vessel taken in accordance with the provisions hereof, just compensation for such vessel, or the use thereof, in accordance with the provisions of the aforesaid act.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

June 6, 1941.

[No. 8771]

[F. R. Doc. 41-4051; Filed, June 6, 1941; 12:08 p. m.]

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DESIGNATION OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

> THE WHITE HOUSE, Washington, May 28, 1941.

The Honorable, The Secretary of the

MY DEAR MR. SECRETARY: Recent significant developments indicate the need of coordinating existing Federal authority over oil and gas and insuring that the supply of petroleum and its products will be accommodated to the needs of the Nation and the national defense program. Government functions relating to petroleum problems are now divided among numerous officers and agencies of the Federal Government and the principal oil-producing States. The various phases of operation in the petroleum industry itself are numerous and complex. One of the essential requirements of the national defense program, which must be made the basis of our petroleum defense policy in the unlimited national emergency declared on May 27, 1941, is the development and utilization with maximum efficiency of our petroleum resources and our facilities, present and future, for making petroleum and petroleum products available, adequately and continuously, in the proper forms, at the proper places, and at reasonable prices to meet military and civilian needs.

Some of the problems with which we are now confronted and which require immediate action are: The proper development, production, and utilization of those reserves of crude oils and natural gas that are of strategic importance both in quality and location; elimination or reduction of cross hauling of petroleum and its products and the development of transportation facilities and of methods by which more efficient use can be made of existing transportation and storage facilities; balancing refining operations to secure the maximum yields of specific products with full consideration for requirements, the most economical use of the raw materials, and efficiency of production and distribution; and the elimination of the drilling of unnecessary wells in proven fields and of other unnecessary activities and equipment.

In order to provide the desired coordination, I am hereby designating you as Petroleum Coordinator for National Defense. In that capacity it will be your function and responsibility as my representative:

1. To obtain currently from the States and their agencies, from the petroleum and allied industries, from the officers and agencies of your Department, and from other appropriate Federal departments and agencies information as to (a) the military and civilian needs for petroleum and petroleum products, (b) the factors affecting the continuous, ready availability of petroleum and petroleum products for those needs, and (c) any action proposed which will affect such availability of petroleum and petroleum products.

2. To make specific recommendations to any appropriate department, officer, corporation or other agency of the Federal Government, particularly the Office of Production Management and the Office of Price Administration and Civilian Supply, to the appropriate agency representing any State or any combination of States, and to any appropriate industry or part thereof, as to action which is necessary or desirable, on the basis of your determinations, to insure the main-

tenance of a ready and adequate supply of petroleum and petroleum products.

In carrying out these responsibilities, it is expected that you will consult with the several officers and agencies of the Federal Government, and with the States acting severally or in any joint capacity, to the end that all governmental participation shall consistently further the purposes above outlined. It is also expected that you will consult with the petroleum industry and those industries which affect its functioning, to aid them in shaping their policies and operations in the discovery, development, production, processing, transportation, storage, distribution, marketing, consumption, and import and export of petroleum and petroleum products.

In order to facilitate your work and efforts, I am requesting that the several departments and agencies having functions related to the petroleum problem give you antecedent advice of any action proposed which may affect the continuous, ready availability of petroleum or petroleum products for military and civilian needs, so that you may have opportunity to make specific recommendation concerning such action. I am also requesting that they notify you of all meetings and conferences dealing with these problems, so that your representatives may be in attendance when you deem it advisable.

It is suggested that from time to time you call together all or any of the heads of such departments and agencies, or their representatives, as a committee to discuss such problems as may arise and to develop ways and means of effectuating the highest degree of coordination of Federal functions for the furtherance of the policy herein outlined. The heads of the departments and agencies concerned are being informed of this suggestion and of the contents of this letter, and I am sure you will find them ready to cooperate fully in rendering the assistance requested herein or otherwise needed to assure success of the program.

Within the limits of such funds as may be made available to you, you may employ necessary personnel, including a Deputy Coordinator whose appointment shall be approved by me and to whom you may make any necessary delegation of functions, and may make provision for necessary supplies, facilities, services and for actual and necessary transportation, subsistence, and other expenses incidental to the performance of their duties. You will, of course, make use of such statistical, informational, fiscal, personnel, and other general services and facilities as you now have available or as may be made available to you through the Office for Emergency Management or other agencies of the Government.

Yours sincerely,

FRANKLIN D ROOSEVELT [F. R. Doc. 41-4034; Filed, June 5, 1941; 4:08 p. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3964]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FONG WAN

§ 3.6 (a) 25 Advertising falsely or misleadingly-Business status, Advantages or connections of advertiser-Qualifications: § 3.6 (t) Advertisina falsely or misleadingly-Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly-Results. Disseminating, etc., in connection with offer, etc. of respondents' herbs or any substantially similar products, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc. of said products, which advertisements represent directly or through inference. (1) that respondents' herbs constitute cures or remedies for, or possess any therapeutic value in the treatment of, cancer, tuberculosis, diabetes, Bright's disease, influenza, prostate gland disorders, paralysis, varicose veins, hardening of the arteries, cross-eyes, obesity, gallstones, stomach ulcers, or pyorrhea; (2) that respondents' herbs are cures or remedies for heart trouble, kidney trouble, bladder trouble, liver trouble, stomach trouble, blood disorders, high or low blood pressure, or bronchial disorders, or constitute competent or effective treatments therefor: (3) that respondents' herbs constitute cures or remedies for arthritis or rheumatism or have any therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptoms of pain: (4) that respondents' herbs constitute a cure or remedy for asthma or have any therapeutic value in the treatment of such condition in excess of furnishing temporary relief from the paroxysms of asthma; (5) that respondents' herbs constitute cures or remedies for colds or have any therapeutic value in the treatment thereof in excess of affording temporary relief from the symptoms of congestion of the mucous membrane; (6) that respondents' herbs constitute a cure or remedy for goiter or have any therapeutic value in the treatment of such condition in excess of that afforded by supplying iodine in those cases where a deficiency of iodine exists; (7) that said herbs will build up the body, purify the blood, or renew strength; (8) that said herbs wash away diseases from the body; and (9) that respondent Fong Poy or Fong Wan, or any of the respondents, have the ability to diagnose diseases or ailments or prescribe remedies therefor; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Fong Wan, Docket 3964, May 24, 19417

In the Matter of Fong Poy, Also Known as Fong Wan; Fong Kwongii, Yee Nun Yet, Chan Woon Sheung, and Lee Bing Lim, Copartners Operating Under the Firm Name of Fong Wan

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of May, A. D. 1941.

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence, briefs filed herein and oral arguments by John W. Brookfield. Jr., counsel for the Commission, and by Frank M. Carr, counsel for respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered. That the respondents, Fong Poy, also known as Fong Wan; and Fong Kwongii, Yee Nun Yet, Chan Woon Sheung, and Lee Bing Lim, individually and trading as Fong Wan, or trading under any other name, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale. sale or distribution of their herbs, or any products of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

- (1) Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,
- (a) That respondents' herbs constitute cures or remedies for, or possess any therapeutic value in the treatment of, cancer, tuberculosis, diabetes, Bright's disease, influenza, prostate gland disorders, paralysis, varicose veins, hardening of the arteries, cross-eyes, obesity, gallstones, stomach ulcers, or pyorrhea;
- (b) That respondents' herbs are cures or remedies for heart trouble, kidney trouble, bladder trouble, liver trouble, stomach trouble, blood disorders, high or low blood pressure, or bronchial disorders, or constitute competent or effective treatments therefor;
- (c) That respondents' herbs constitute cures or remedies for arthritis or rheumatism or have any therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptoms of pain;
- (d) That respondents' herbs constitute a cure or remedy for asthma or have any therapeutic value in the treatment

of such condition in excess of furnishing temporary relief from the paroxysms of asthma:

- (e) That respondents' herbs constitute cures or remedies for colds or have any therapeutic value in the treatment thereof in excess of affording temporary relief from the symptoms of congestion of the mucous membrane;
- (f) That respondents' herbs constitute a cure or remedy for goiter or have any therapeutic value in the treatment of such condition in excess of that afforded by supplying iodine in those cases where a deficiency of iodine exists;

(g) That said herbs will build up the body, purify the blood, or renew strength:

(h) That said herbs wash away diseases from the body;

- (i) That respondent Fong Poy or Fong Wan, or any of the respondents, have the ability to diagnose diseases or ailments or prescribe remedies therefor.
- (2) Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondents' herbs, which advertisement contains any of the representations prohibited in paragraph (1) hereof and respective subdivisions thereof.

It is jurther ordered, That the respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-4049; Filed, June 6, 1941; 11:42 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC 25]

PART 45—OLEOMARGARINE; DEFINITION AND STANDARD OF IDENTITY

IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTAB-LISHING A DEFINITION AND STANDARD OF IDENTITY FOR OLEOMARGARINE

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046; 21 U.S.C., Sup. V, 341; sec. 701, 52 Stat. 1055; 21 U.S.C., Sup. V, 371), the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C., Sup. V, 133 ff.), and Reorganization Plan No. IV (5 F.R. 2421), and upon the basis of the evidence received at the above-entitled hearing, duly held pursuant to notice thereof issued by the Federal Security Administrator on Octo-

14 F.R. 4877.

ber 11, 1940 (5 F.R. 4057-4058), and upon consideration of the exceptions filed to the proposed order issued by the Assistant Federal Security Administrator on April 17, 1941 (6 F.R. 1990-1992), the following order is hereby promulgated:

Findings of Fact

1. Oleomargarine is a food, plastic in form, which commonly consists principally of one or more of the following fats: (a) rendered fat obtained from cattle, sheep, swine, or goats, or from two or more of such types of animals, (b) vegetable food fat or oil or both, (c) stearin or oil derived from any such fat or oil. Such ingredients are sometimes hydrogenated.

2. Oleomargarine sometimes contains a combination of two or more of the vegetable and animal fats named in paragraph 1, and the relative quantities of vegetable and animal fats used affect the properties of the product. Where such a combination is used, the product will retain some of the properties contributed by both the animal and vegetable fats if such fats are present in equal quantities by weight, or if the weight of neither fat exceeds the weight of the other by a ratio greater than 9 to 1. Such a combination in a ratio up to but not greater than 9 to 1 represents a common practice of the oleomargarine industry.

3. Oleomargarine is made by intimately mixing one of the five following articles with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters: (i) cream, (ii) milk, (iii) skim milk, (iv) any combination of dried skim milk and water in which the weight of the dried skim milk is not less than 10 percent of the weight of the water, or (v) any mixture of two or more of these. Congealing is effected, either with or without contact with water, and the congealed mixture is sometimes worked. The word "milk" as here used means cows' milk.

4. The artificial flavoring diacetyl is sometimes used in oleomargarine to enhance its butter-like flavor. The diacetyl is added as such, or as starter distillate, or is produced during the preparation of the product as a result of the addition of citric acid or harmless citrates. The artificial flavoring augments, and is not in substitution for, the diacetyl which is obtained by the use of bacterial starters in the milk ingredient described in paragraph 3 above.

- 5. Butter, salt, and artificial coloring are sometimes used in the preparation of oleomargarine.
- 6. The following sometimes also are added and are suitable ingredients of the product in the quantities hereinafter stated:
- (a) (i) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, for the purpose of

aiding emulsification and improving the pan-frying quality of the product, or (ii) monoglycerides or diglycerides of fat-forming fatty acids, or both, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, for the purpose of aiding emulsification, reducing leakage of moisture from the product, and improving its texture, or (iii) such monoglycerides and diglycerides in combination with the sodium sulfo-acetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine, for the purpose of aiding emulsification, reducing leakage of moisture from the product, and improving its texture and pan-frying quality, or (iv) a combination of (i) and (ii) in which the amount of neither exceeds that above stated, or (v) a combination of (i) and (iii) in a total amount not exceeding 0.5 percent of the weight of the finished product. (The weight of diglycerides in each of ingredients (ii), (iii), (iv) and (v) is calculated at one-half actual weight.)

(b) Vitamin A, added as a fish liver oil or as a concentrate of Vitamin A from fish liver oil (with any accompanying Vitamin D and with or without added Vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 9,000 United States Pharmacopoeia Units per pound, in order that the oleomargarine, a product used by some consumers for the same purposes as butter, will have a Vitamin A content comparable to that of butter, which is, on the average, approximately 9,000 United States Pharmacopoeia Units per pound.

7. Present conditions of retail distribution of oleomargarine do not afford adequate refrigeration for the product. Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not exceeding 0.1 percent of the weight of the finished product, is therefore sometimes added as a chemical preservative to aid in retarding deterioration of the oleomargarine.

8. The fat content of oleomargarine, including any milk fat used, commonly constitutes not less than 80 percent of the finished product, and a minimum fat content of 80 percent is recognized in the industry as proper and desirable.

9. The fat content of oleomargarine can be determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th Edition, 1935, page 289, or 5th Edition, 1940, page 298, under "Indirect Method—Official"; and such method is recognized as an accurate and reliable method for determining the fat content of the product.

10. Consumers are interested in knowing whether the fat used in oleomargarine is animal or vegetable fat or oil. Some consumers prefer oleomargarine which is made with vegetable fat or

oil, and it is the practice in the industry, where the fat ingredient is wholly vegetable, to so indicate on the label. Oleomargarine made from animal fat or oil, if subject to Federal inspection, bears the inspection label of the Bureau of Animal Industry of the United States Department of Agriculture. If a combination of animal and vegetable fats or oils is used, and both are declared on the label, consumers assume that the ingredient named first is present in the larger quantity.

11. Vitamin A, when added to oleomargarine, imparts nutritive properties to the product which are not otherwise present to an appreciable extent. It is not a universal practice to add Vitamin A and consumers are interested in knowing when Vitamin A is contained in the product.

12. The evidence does not establish (a) that the aliphatic amino acids glycine, glutamic acid, and aspartic acid, or any of them, are common or usual ingredients of oleomargarine, or that their use in the preparation of the product would be suitable, or (b) that monoglycerides or diglycerides of fat-forming fatty acids, or the two in combination, are common or usual ingredients of the product in quantities greater than 0.5 percent of the weight of the finished product (calculating the weight), or that their use in larger quantities would be suitable.

Conclusion and Regulation

The evidence adduced at the hearing, and the findings of fact above set forth, do not provide an adequate basis for a determination that the recognition in the definition and standard of identity for oleomargarine of the use of any glycine, glutamic acid, or aspartic acid, or of the use of any monoglycerides or diglycerides of fat-forming fatty acids in quantities larger than 0.5 percent of the weight of the finished product (calculating the weight of diglycerides at one-half actual weight), would promote honesty and fair dealing in the interest of consumers.

On the basis of the foregoing findings of fact, it is concluded that the following regulation fixing and establishing a definition and standard of identity for oleomargarine will promote honesty and fair dealing in the interest of consumers, and such regulation is therefore hereby promulgated:

§ 45.000 Oleomargarine; Identity; label statement of optional ingredients.
(a) Oleomargarine is the plastic food prepared with one or more of the optional fat ingredients named under one of the following subparagraphs (1), (2), (3), or (4):

(1) The rendered fat, or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep,

swine, or goats, or any combination of two or more of such articles.

- (2) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles.
- (3) Any combination of ingredients named under subparagraphs (1) and (2) in such proportion that the weight of the ingredients named under (1) either equals the weight of the ingredients named under (2), or exceeds such weight by a ratio not greater than 9 to 1.

(4) Any combination of ingredients named under subparagraphs (1) and (2) in such proportion that the weight of the ingredients named under (2) exceeds the weight of the ingredients named under (1) by a ratio not greater than 9 to 1.

One of the five following articles is intimately mixed with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters: (i) cream. (ii) milk, (iii) skim milk, (iv) any combination of dried skim milk and water in which the weight of the dried skim milk is not less than 10 percent of the weight of the water, or (v) any mixture of two or more of these. (The term "milk" as used herein means cow's milk.) Congealing is effected, either with or without contact with water, and the congealed mixture may be worked. In the preparation of oleomargarine one or more of the following optional ingredients may also be used:

(5) Artificial coloring.

- (6) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.
- (7) Vitamin A, added as fish liver oil or as a concentrate of Vitamin A from fish liver oil (with any accompanying Vitamin D and with or without added Vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 9,000 United States Pharmacopoeia Units of Vitamin A per pound.
- (8) The artificial flavoring diacetyl added as such, or as starter distillate, or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.
- (9) (i) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (ii) monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iii) such monoglycerides and diglycerides in combination with the sodium sulfo-acetate derivatives thereof in a total amount not exceeding 0.5 percent of

the weight of the finished oleomargarine, or (iv) a combination of (i) and (ii) in which the amount of neither exceeds that above stated, or (v) a combination of (i) and (iii) in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine. (The weight of diglycerides in each of ingredients (ii), (iii), (iv), and (v) is calculated at one-half actual weight.)

(10) Butter.

(11) Salt.

The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th Edition, 1935, page 289, or 5th Edition, 1940, page 298, under "Indirect Method—Official".

(b) When any ingredient named under one of the following specified subparagraphs of paragraph (a) is used, the label shall, except as hereinafter provided, bear the statement set forth below after the number of such subparagraph:

Subparagraph (1): "Prepared from Animal Fat", or "Made from Animal Fat".

Subparagraph (2): "Vegetable". or "Prepared from Vegetable Fat", or "Made from Vegetable Fat".

Subparagraph (3): "Prepared from Animal and Vegetable Fats", or "Made from Animal and Vegetable Fats".

Subparagraph (4): "Prepared from Vegetable and Animal Fats", or "Made from Vegetable and Animal Fats".

Subparagraph (5): "Artificially Colored", or "Artificial Coloring Added", or "With Added Artificial Coloring".

Subparagraph (6): "Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') Added as a Preservative", or "With Added Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') as a Preservative".

Subparagraph (7): "Vitamin A Added", or "With Added Vitamin A".

Subparagraph (8): "A Vitamin A".

Subparagraph (8): "Artificially Flavored", or "Artificial Flavoring Added", or "With Added Artificial Flavoring".

Where oil is used, the word "oil" may be substituted for "fat" in the label statement. In lieu of the word "animal" or "vegetable" in any such statement, the common or usual name of the fat ingredient may be used. If two or more of the optional ingredients named in subparagraphs (5), (6), (7), and (8) are used, the words "added" or "with added" need appear only once, either at the beginning or end of the list of such ingredients declared. The declaration of Vitamin A may include the number of United States Pharmacopoeia Units which have been added.

Whenever the name "oleomargarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

This section shall become effective on the ninetieth day after the date of its publication in the Federal Register.

Washington, D. C., June 5, 1941.

[SEAL] WATSON B. MILLER, Acting Administrator.

[F. R. Doc. 41-4042; Filed, June 6, 1941; 11:24 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order 3-209]

PART 402, LOAN SERVICE DIVISION

SUSPENSION AND WITHDRAWAL FROM FORE-CLOSURE

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

The fifth paragraph of § 402.03-20,1 which paragraph reads as follows:

In cases withdrawn from foreclosure, it is the policy of the Corporation generally to reestablish the security on the same basis as existed prior to foreclosure. However, exceptions may be made where the proposal does not justify the reinstatement of a long period of redemption or where for legal or other reasons the Regional Manager considers it in the best interests of the Corporation to arrange for the acquisition of title by the Corporation prior to the completion of foreclosure and sale to the home owner or a third party on sales instrument.

is amended to read as follows:

§ 402.03-20. Exceptions.

In cases withdrawn from foreclosure it is the policy of the Corporation generally to reestablish the security on the same basis as existed prior to foreclosure. However, exceptions may be made where the proposal does not justify the reinstatement of a long period of redemption or where for legal or other reasons the Regional Manager considers it in the best interests of the Corporation to arrange for the acquisition of title by the Corporation and sale to the home owner or a third party on sales instrument, in which event, the Regional Manager, prior to the acquisition of title by the

¹⁴ F.R. 2416.

Corporation, shall forward to the Regional Counsel and other appropriate Sections and Divisions a Notice of Withdrawal containing a direction that the reinstatement is to be effected through the acquisition of title by the Corporation and the execution of an instalment contract or other sales instruments. In the event that reinstatement is not consummated after acquisition of title in such cases, the Regional Manager shall issue "Notice of Resumption" but shall not issue a new form 191-B. Upon receipt of such "Notice of Resumption" the Regional Counsel shall issue "Notice of Acquisition" to all appropriate Sections and Divisions.

(Effective date June 16, 1941.)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), said procedure being identified as the fifth paragraph of Article 203–20.1, Consolidated Manual, as amended May 26, 1941 by Administrative Order No. 3–209, effective June 16, 1941. [SEAL]

Secretary.

[F. R. Doc. 41-4041; Filed, June 6, 1941; 11:19 a. m.]

[Administrative Order 956]

PART 409-INSURANCE SECTION

PLACING OF INSURANCE

Amending Part 409 of Chapter IV, Title 24 of the Code of Federal Regulations.

The first paragraph of § 409.02-1 is amended to read as follows:

§ 409.02-1 Insurance placed by Corporation. Twenty-five days after the expiration and immediately upon the cancellation or voidance of any insurance policy protecting a loan or property owned on which insurance is required, all contracts protecting such loan or property shall be reviewed. If the remaining effective coverage necessary to fulfill the requirements of the Corporation is insufficient, and acceptable new or renewal insurance policies have not been submitted within forty (40) days subsequent to the actual lapsing coverage, an order for the proper coverage, shall be issued by the Corporation upon special forms furnished by its insurer under contract and shall be effective as of the termination of the insurance to be replaced. The order shall be subject to cancellation by the Corporation at any time during a period of 45 days from the termination date of the former insurance without charge, in the event adequate and ac-

¹5 F.R. 2613.

ceptable new or renewal insurance contracts are submitted, or a loss has not occurred.

The second paragraph of § 409.02-2 is revoked.

The third paragraph of § 409.02-2 is amended to read as follows:

§ 409.02-2 Routing of certificate and notice of insurance placed.

The insurer under contract will issue a certificate or policy of insurance in accordance with the order. The certificate, home owner's notice of insurance placed and Accounting Section's copy of notice of insurance placed (insurance invoices) shall be sent to the Regional Office Insurance Section and shall be routed as follows: The certificate to be filed in the policy jacket.

(Effective date June 16, 1941)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k).)

[SEAL] J. Francis Moore, Secretary.

[F. R. Doc. 41-4040; Filed, June 6, 1941; 11:19 a. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-7551

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RE-LIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1 NOT HERETOFORE CLAS-SIFIED AND PRICED

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the Bituminous Coal Producers Board for District No. 1 wherein the petitioner requests the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 not heretofore classified and priced, and the granting of temporary relief pending the final disposition of the subject matter; and

It appearing that due notice of the filing of the petition was given to all persons interested in this matter and that no opposition has appeared in the premises and the Director having duly considered the petition and the subject matter thereof:

Now, therefore, it is ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the above matter temporary relief is granted as follows: Commencing forthwith, § 321.7 (Alphabetical list of code members) is supplemented by adding thereto Supplement R and § 321.24 (General prices) is supplemented by adding thereto Supplement T, which supplements, containing price classifications and minimum prices, ¹ are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief, or pleadings in opposition to the final relief requested in the petition, may be filed within forty-five (45) days from date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and

It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order.

No relief is granted herein to the C. & N. mine (Mine Index No. 3055) of the C.

& N. Coal Company, which was included in the petition, since this mine is affected by unique considerations set forth in an order designating that portion of Docket No. A-755 which relates to it as

Docket No. A-755, Part II, and granting it temporary relief therein. Dated: May 17, 1941.

[SEAL]

H. A. GRAY, Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

Note: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members-Supplement R

[Aphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdist, No.	Seam	Freight origin group No.	1	2	3	4	5
1075 1017 3045	Acco Coal Company	Acco	18 7 8	E D	52 45 45	F		FFE	F	
1165 716 3109	ton). Burton, William Calandrella, Ralph Carter, Joseph and Joseph Petriskie.	Glenola. The Apple Coal Co Carter	14 44 8	E	45 68 44			FHE		
3110 2767 1253	Coble, Benson Cramer, William C Cross Fuel Company (Bernard Cross),	Cramer Cross	14 28 43	B B	45 56 68	G		EGH	G	G
3080 2990 632 1487	Evans, Irvin. Flickinger, L. S. (Mack Coal Co.) Harden Coal Co. (Wilbert Harden). Heaton, John.	Evans Mack #2 Harden Fisher #2	4 22 43 39	Pgh Tyson Barnett	75 112 66 43	н	H	GHEB	H	н
456 3049 1565	Hersker, John Kasnowski & Kasnowski (Adam Kasnowski, Jr.),	Kasnowski	42 3	E	101 132	E		O	E	E
3087 2417 2715	Kelly, Archie Kline, George Kodak Coal Company Kula, Sam	Powell Orehard Coal Co Musser Kula	37 13 4 7	D & E	100 44 75 62			EDGF		2
1669 1657 2979	Leisenring, Otto Nugent Mining Co., The O'Donnell, W. F. & A. A.	Rattlesnake. W. F. & A. A. O'Don-nell.	22 5 3	Pgh B Sey	112 120 133	H		EH	H	H
2641 3051	Powell, D. G. & LeCorre Bros. (D. G. Powell). Reach, Louie	Nancy #1Reach	20	D	45 45			F		
1952 2102 2120 724	Ridgway Coal Co. Stewart, J. M. Sunnyside Coal Co. Wallwork Coal Company (J. C.	Talbot #2 Virginia #24 Billy Cliff Hawthorne #3	14 15 43 4	E Big Vein B	45 112 66 75	EDG	EDG	FEDG	EDH	EDH
715	Wallwork). Williams, R. A. (Williams Coal Mng. Company). Wilmore Fuel Company.	Gem	19	D	45			В		27.77
725 726	Woolridge Coal Company Woolridge Coal Company	Mack #2 Orehard #5 Orehard #6	15 8 8	B	60 44 44	GEF	G F	E	GEF	GEF

NOTE: Additional classifications are italicized.

FOR TRUCK SHIPMENTS

§ 321.24 General prices-Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub. dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	ω Run of mine modi- fied R/M	* 2" and under slack	o 34" and under slack
Acco Coal Company	1075 3085 3045		18 22 8	Cambria Indiana Clearfield	E D	245	22.22	220 225	210	
Butler, James T Calandrella, Ralph	3100 3101 3102 3103 3104 716	Reynolds Hill #2 Reynolds Hill #3 Reynolds Hill #4	6 6 6 44	Jefferson Jefferson Jefferson Jefferson Garrett	E			220 220 220 220 220		

¹The district board proposed classifications and minimum prices for Mine Index No. 717 of E. E. Chidester. As classifications and minimum prices were established for coals of this mine by Order of the Director dated March 5, 1941, in Docket No. A-724, it is omitted from the temporary, supplements attached to this order.

General prices-Supplement T-Continued \$ 321.24

Now, therefore, it is ordered,

therefor having been

necessity matter

						-	30.00		Access .	-		anne.	
mosts robun bus "46 10	1	11	190	1	1	900	205	257	130	3000	190	1	200 200
2" and under slack		11	2005		1	215	215	287	200	216	200	1	215
-ibom of mine and -ibon M/M beft		ន្តដ	220 250	230	225	302	230	8	888	128	215	240	ដូន
Tobuble sereened top size 2" and under		11.	215	-	-		277		215	225	215	-	222
All lump coal double screened top size 2" and over	-	11	240 240 240			250	306	308	340	950	240		250
Seam		D.	B B B Pgh	D	Tyson	E	Pgh.	D. Sey.	O'N.	田田	В.	D	B. G.
County		Clearfield	Clearfield Indiana Garrett Clarion	Somerset	Allegany	Garrett Lycoming	Clearfield Indiana	Indiana	Clearfield Somerset	Indiana	Clarion	Clearfield	Indiana Clearfield
ub. dist. No.	g	E- 00	工製品本製	#	43	24 80	and	35	1-124	15	49	139	120000
Mine		Carter	Coble Cramer Duckworth Evans Mark #2	Bittner	Harden	Shade Kasnowski	Orehard C. Co Leisenring. Morris Run Strip-	Mumber & A. A.	Reach Foster Smith, Mortimer, &	Virginia #24.	Hawthorne #3	Gem	Mack #2 Orchard #5 Orchard #6
GoM xabai sail	N	3000	3110 3767 3106 3080 2990	3092	632	45C 3049	3087 1660 1675	2000	3051	3105	724	715	308 725 726
Code member index		Carter, Joseph and Joseph	Coble, Benson. Cramer, William G. Duckworth, R. 8 Evans, Ivyin. Flickinger, L. S. (Mack Coal	Garlitz, Ernest & William	Harden Coal Co. (Wilbert	Hersker, John Kasnowski & Kasnowski	Kline, George Leisenring, Otto Liberty Contracting Co.	Mumsu, E. L.	Resch, Louie Shaffer, Dewey. Smith, Mortimer, & Hillis	(Kenneth L. Smith). Stewart, J. M. Stewart, S. C. (Stewart Coal	Wellwork Coal Company (J.	Williams, R. A. (Williams	Coal Mining Company), Wilmore Fuel Company Woolridge Coal Company

Note: Additional prices are italicized.

[F. R. Doc. 41-4012; Filed, June 5, 1941; 10:51 a. m.]

PART 321-MINIMUM PRICE SCHEDULE, [Docket No. A-793] DISTRICT NO. 1

COALS FOR WHICH PRICE CLASSIFICATIONS VIDING POR FINAL RELIEF IN THE MATTER SIFICATIONS AND MINIMUM PRICES FOR AND EFFECTIVE MINIMUM PRICES HAVE NOT ORDER OF THE DIRECTOR GRANTING TEMPO-RARY RELIEF AND CONDITIONALLY PRO-OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLAS-BEEN HERETOFORE ESTABLISHED

filed with this Division by the Bituminous nous Coal Act of 1937, having been duly A petition, pursuant to the Bitumi-

imum prices for the coals of certain in District No. 1 not heretofore classified and priced, and the granting of Coal Producers Board for District No. 1 wherein the petitioner requests the establishment of price classifications and mintemporary relief pending the final disposition of the subject matter; and mines

premises and the Director having duly considered the petition and the subject It appearing that due notice of the filing of the petition was given to all persons interested in this matter and that no opposition has appeared in the matter thereof;

erning Practice and Procedure before the nent sixty (60) days from the date hereof unless the Director shall otherwise order. suant to section 4 II (d) of the Act; and It is further ordered, That the relief hereinabove granted shall become permasuant to the Rules and Regulations Gov-Division in Proceedings Instituted Pur-That pending final disposition of the above a reasonable showing of the Commencing forthwith, § 321.7 (Alphabetical list of code members) is supplemented by including the price classifications set forth in the schedule marked made. temporary relief is granted as follows:

in this proceeding, since this mine is affected by unique considerations, set forth in an No relief is granted herein to the Eberline mine (Mine Index No. 3121) of A. H. Swyers and A. B. Wilson, which was inorder designating that portion of Docket No. A-793 relating to it as Docket No. cluded in the original petition A-793 Part II.

> Supplement R and § 321.24 (General Prices) is supplemented by including the minimum prices set forth in the schedule marked Supplement T, which schedules

Dated: May 20, 1941. [SEAL]

foregoing temporary relief, or pleadings in opposition to the final relief requested in the petition, may be filed within forty-

five (45) days from date hereof, pur-

tions to stay, terminate or modify the

It is further ordered, That applica-

are hereinafter set forth.

H. A. GRAY,

Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1 tions, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Norz: The material contained in this Supplement is to be read in the light of the classifica-Schedule for District No. 1 and Supplements thereto.

Alphabetical list of code members-Supplement R FOR ALL SHIPMENTS EXCEPT TRUCK \$ 321.7

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up n	-	€€	0×0	⊕→料	Om E	EEME	EE	€0	€€¤¤	:0
e gro	69	Pile	0H0	<00	OMA:	HA DA	1414	D*4	0400	0
y siz	eq	€€	OHO	S #8	EEE	EEEE	: €€	00	€€€€	\approx
100	-	€€	OHO	⊕≒⊕	EEE	EEEE	€€	00	EEEE	3
Samoat	Freight origin group No.	124	5585	49 68 112	54 75	13 100	222	132	119	19
owing price cia	Seam	pa; pa;	E. Bakerstown.	B E D	D & E. Barnett	Mm O'O'	542,542	Bloss	MMM	D
18° 811	sub-Dist, No.	180	,0 ± 10	840	+8t	222-9	188	65.8	424.	4
g railway loading facilitie	Mine name	Boyer Dean #7	Butterbaugh Mill Run English Centre Coal	Fyock Nethkin Hamilton	Musser Cambria #1.	May Swopes Moore Sebuckers	Dean #20 Shomo-Moshannon	Spencer Stewart	Thomas Jos. Toubo Mine Reidsburg	Wolfgong
Alphabetical listing of code members having railway loading facilities, showing price classification by size group No	Code member	Boyer, P. B. Bush, Coal Company (Reuben	Butterbangh, M. R. Campbell Coal Company English Centre Coal Co. (Joseph	G. Sarteks). Fyock, Jerome E. Gammache, Frank J. Hamilton Coel Co	Kodak Cosl Company. Kuhstos and Bambling. Martin Cosl Co. Inc. The	May, Harvey Meyers & Nangle (H. C. Meyers) Schnabere, Anthony Connabore & Con C. T. (G. T.	Sherry).	(Charles Cohen). Spencer, Ted (Spencer Coal Co.) Stewart, S. C. (Stewart Coal Com-	byo	Wallwork Coal Company.
[Alph	Mine index ON	127	2678 2678 1333	3054	1646	22.22	705	325	721 1674 3132	3133
10	10 10 110	100					0 944 1		0 - 77	0

SE ONO SHMOSSESME SE US SEMME

"Indicates coal in this size group previously classified and priced, tindicates no classifications effective for these size groups.

It is further ordered, That the relief

herein granted shall become final sixty

(60) days from the date of this Order

FOR TRUCK SHIPMENTS

General prices-Supplement T \$ 321.24

[Prices in cents per net ton for shipment into all market areas]

ORD	D H C D K B E C	tion	this	requ por	coal	tric	pric	cati	code	pan	lish	No.	Topo	the	mar	TEM	catlo				x
1	\$60 and under slack	2	1	196	-	-	215	215	308	257	2 100	11		25	1	216	190	-	190	180	1
	3" and under slack	9	- 5	205	-	-	225	198	215	267	188			1 292	1	100	300	1	200	300	1
	Run of mine modi-	80	302	REE	210	220	3	DES	N.	NE.	CON R	3 88	225	e#	230	3	215	240	215	215	1
	Tobnib screened top	61	-	215		-	235	220		277	215			382		255	215	-	215	215	
	All lump coal double- screened top size 2"	1		280	-		260	220		302	240			327		360	240	7	240	240	1
	Seam	The same	Bloss	E. B. & D.	В	0	В	開発し	DBC	D Sey.	Barnett.	99	D.	A&A'.	D bungh.	Bloss	E I s	B. vem.	B. Mahon-	D.mg.	1
	County		Tioga	Jefferson Jefferson Lycoming	Rik	Clearfield	Lycoming	Lycoming Garrett	Somerset	Clearfield	Bedford	Centre Clearfield	Jefferson	Tiogs.	Centre	Lycoming	Armstrong	Elk.	Clarion	Armstrong	The same of the sa
	.oV ,dsib ,di	ng	60	600	C'é	22	80				845			~ 8i	o x		-2	gu.	440	101	-
	Mine		Boinske	Boyer Butterbaugh	Chase	Eckberg	English Centre Coal	Bucky Run Nethkin	Greig-Pretoris Hamilton	4 C #6 Junkiewicz #2	Cambria #1	M & D.	Nocerine.	Flower Run Patterson, Millen	& Campbell. Precport.	Spencer	Thomas Mine	Tipperary	Reidsburg. Sligo. Witts.	Wolfgong	
-	ine tadex No.	W	3114	1192 1192	3112	3060	1333	3054	3084	3135	3118				3127	325	721	3122	3132	3117	
	Code member index		Boinske & Sons, John (John	Butterbaugh, M. R. Carson, O. R. (Carson, Co.)	Chase, Claude & Merlyn	Eckberg & Sons, Litz I. (Litz I. Eckbero)	English Centre Coal Co.	Fisher, Donald E. Gammache, Frank J.	Greig, James Hamilton Conl Co.	Hegarty, L. C. Jankiewicz, John W.	Kubstos and Bambling.	Miller & Devlin (Paul Miller) Moshamon Coal Co. (Wil-	liam A. West). Noberine, Eugene.	Norman and Guy.	Preslovick, Andy	y). Ted (Spence	Thomas, Floyd Thomas & Thomas Enterprise	Tipperary Coal Co. (Sylvester	Wallwork Coal Company Wallwork Coal Company	Wolfgeng, Silas W	

"Indicates coal in this size group previously classified and priced."

[F. R. Doc. 41-4013; Filed, June 5, 1941; 10:51 a. m.]

PART 335-MINIMUM PRICE SCHEDULE Docket No. A-7971 DISTRICT NO. 15

of intervention having

pefitions

been filed with the Division in the above-

entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes

> AND LEF IN THE MATTER OF THE PETITION OF ISTRICT BOARD NO. 15 FOR THE ESTABLISH-MUM PRICES FOR THE COALS PRODUCED AT ERTAIN MINES IN DISTRICT NO. 15, NOT CONDITIONALLY PROVIDING FOR FINAL RE-MENT OF PRICE CLASSIFICATIONS AND MIN-GRANTING TEMPORARY RELIEF TERETOFORE CLASSIFIED AND PRICED

n 4 II (d) of the Bituminous Coal of 1937, having been duly filed with uesting the establishment, both temary and permanent, of price classitions and minimum prices for the Is produced at certain mines in Dis-Division by the above-named party, t No. 15, not heretofore classified and an original petition, pursuant to secsed; and

amended by adding thereto Supplement R and § 335.24 (General prices in cents per net ton for shipment into all market

as follows: Commencing forthwith, § 335.5 (Alphabetical list of code members) is

pending final disposition of the above-entitled matter, temporary relief is granted

ordered.

it is

Now, therefore,

of the Act;

areas) is amended by adding thereto

Supplement T, which supplements are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applica-

tions to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five erning Practice and Procedure before the

pursuant to Rules and Regulations Gov-

Bituminous Coal Division in Proceedings

Instituted Pursuant to section 4 II (d)

of the Bituminous Coal Act of 1937

(45) days from the date of this Order,

555, no relief is herein granted as to appearing that the price classifiions and minimum prices requested the coals produced at the mine of ny in Production Group No. 3 of Dist No. 15 have been heretofore estabed under the name of its predecessor, G. Cox), Mine Index code member; in all other respects e member, Hickory Creek Coal Com-& Davis (R.

he Director finding that a reasonable wing of necessity has been made for granting of temporary relief in the nner hereinafter set forth; and

unless the Director shall otherwise order.

Dated: May 20, 1941.

[SEAL]

Director. H. A. GRAY,

PORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15 ons, prices, instructions, exceptions and other provisions contained in Part 335, Minimum e Schedule for District No. 15 and Supplements thereto. our: The material contained in this "Supplement R" is to be read in the light of the classifi-

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 Alphabetical list of code members-Supplement R.

Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial usel

	15	14 11
-	#	444
-	23	
dno	22	4 !!!
13	=	4 4
Size	9	4 4 4
(by	0	T
tion	00	444
fles	t-s	4
Price classification by size group	3 4 5 6 7 8 9 10 11 12 13 14 15	444
99	10	4
Pri	**	444
700	60	444
	61	444
	M.qrp.	444
uini	Fit. or	80 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
dno	Prod. pr	20 8 0
	Mine name	Midway #1 Park Hill
	Code member	Mayview Super Flame Fuel 58 9 A A A A A A A A A A A A A A A A A A
xopi	Mine in	1418

A is Market Area list price as listed in Price Schedule No.

FOR TRUCK SHIPMENTS

§ 335.24 General prices in cents per net ton for shipment into all market areas—Supplement T

14" x0	15	2 88 8
114" x 0 (R)	11	19288999
134" x 0 (W)	13	170
1¼"x ¼ (R)	12	071 281 381 071
13¢" x 3s"	п	185 150 170 210 185 160
3" x 0	10	180 165 140 195 185 180 170
Mine	6	012222222
1,4" x	00	281 202 202 202 202 202 202 202 202 202 20
2"x 134"	-	2005 2000 1965
3" x 114"	40	252 252 253 253 253 253 253 253 253 253
20' X	10	215 226 230 230
10" x 134"	***	282 282 282 282 282 282 282 282 282 282
10" x 115"	80	2282222
dn "%	64	2222222
gw,	1	22222222
Constant	Commo	Macon, Moderner, Oklas Astraniges, Oklas Sarton, Mo Putnam, Moderner, Oklas Astraner, Oklas Monitesu, Mo
Prod.	No.	88018881
	OTHER STATES	Hardy Midway #1 Park Hill Willett
Mine	No.	1418 1438 1438 1439 1430 1430
100 OF 11 FOR	Code memoer maex	Hardy, C. E. Kideres) Fark Hill Coal Co. (J. E. Rogers) Fark Hill Coal Co. (L. R. Carte) Rogers, A. M. Ryals, John Ferry, W. C. & John Warren (John Warren) Wembaner Mining Corporation % Irvin J. Albright White Oak Coal Co. (W. A. Minson)

Norz: Prices shown for Production Groups Nos. 2 and 3 in Size Groups Nos. 5, 6, 7, 8, and 10 are for washed coal. Raw or unwashed coal may be sold for 10¢ less than the prices shown.

[F. R. Doc. 41-4015; Filed, June 5, 1941; 10:52 a. m.]

[Docket No. A-835]

SCHEDULE, -MINIMUM PRICE DISTRICT NO. 15 335-

LIEF IN THE MATTER OF THE PETITION OF LISHMENT OF PRICE CLASSIFICATIONS AND ORDER GRANTING TEMPORARY RELIEF AND 15 FOR THE ESTAB-MINIMUM PRICES FOR SHIPMENT BY RAIL FOR THE COALS PRODUCED AT CERTAIN CONDITIONALLY PROVIDING FOR FINAL RE-MINES IN DISTRICT NO. 15 DISTRICT BOARD NO.

by rail for the coals produced at the mines of 1937, having been duly filed with this cations and minimum prices for shipment of certain code members in District No. tion 4 II (d) of the Bituminous Coal Act Division by the above-named party, requesting the establishment, both tem-An original petition, pursuant to secporary and permanent, of price classifi-

The Director finding that a reasonable showing of necessity has been made for

the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with the Division in the aboveentitled matter; and

The Director deeming his action necessary in order to effectuate the purposes

matter, temporary relief is with, § 335.5 (Alphabetical list of code members) is amended by adding thereto Now, therefore, it is ordered, That, granted as follows: Commencing forthpending final disposition of the above-Supplement R, which supplement is here inafter set forth. entitled

tions to stay, terminate or modify tr the Division within forty-fiv (45) days from the date of this Orde It is further ordered, That pleading the above-entitled matter, and applica temporary relief herein granted, may in opposition to the original petition filed with

(60) days from the date of this Order, unless the Director shall otherwise order. Dated: May 17, 1941. Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

H. A. GRAY. [SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15 fications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Nors: The material contained in this "Supplement R" is to be read in the light of the classi-It is further ordered, That the relief herein granted shall become final sixty

POR ALL SHIPMENTS EXCEPT TRUCK

Price Schedule for District No. 15 and Supplements thereto.

Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use § 335.5 Alphabetical list of code members-Supplement R.

	16	¥	4
	#	4	4
4	13	-1	4
din	12	V	4
Price classification by size group	5 6 7 8 9 10 11 12 13	A	4
Sine	10	0	0
by	0	4	4
tion	00	0	0
pes	1-	O	0
issi	9	0	0
2	10	0	0
Pric	4	4	4
9.0	44	¥	4
	01	4	4
	-	1	V
nighto.	Freight	III A A A C C C C A O A	3 m A A A C C C C A C A A
dno	Prod. g	00	643
	Mine name	Benson	Rudkin
The state of the s	Code member	Benson, H. R. (Benson Coal	Rudkin, Thomas, Sr. (Rudkin Coal Co.).
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4	E in S	pie pie	i se si

erning Practice and Procedure before the | A is Market Area list price as listed in Price Schedule No. 1; B, minus 5 cents from list price; C, minus 10 cents

TITLE 32—NATIONAL DEFENSE

CHAPTER IX-OFFICE OF PRODUC-TION MANAGEMENT

SUBCHAPTER B-PRIORITIES DIVISION [General Preference Order No. P-51 (Corrected) |

PART 929-MATERIAL FOR THE PRODUCTION OF CRANES

§ 929.1 General preference order. (a) Subject to the terms, conditions, requirements and obligations set forth below, preference rating A-1-a is hereby assigned in favor of each producer of cranes to whom this section is specifically addressed, hereinafter called the "producer."

(b) For the purposes of this section:

(1) The term "cranes" includes hoisting equipment of the following types: bridge cranes; tramrails; chain hoists; electric hoists; trolleys; monorail systems and trackage; locomotive, tractor and truck cranes; gantry cranes; whirley cranes; wall cranes; jib cranes; dry dock cranes; hammerhead cranes; derrick cranes; and shearlegs.

(2) The term "Defense Orders" includes all contracts or orders placed with any producer for the delivery of cranes which are to enter directly or indirectly into the production of any material (i) for the Army or Navy of the United States, (ii) for the defense of Great Britain or of other parts of the British Empire, including Canada, or (iii) for the government of any other country whose defense the President deems vital to the defense of the United States under "An Act to Promote the Defense of the United States" (Pub. No. 11, 77th Cong., 1st Sess., approved March 11, 1941).

(3) "Person" includes any natural person, corporation, business association, sole proprietorship, partnership and any

legal entity.

(4) When the producer has, subject to the provisions of this section, applied the preference rating assigned hereby, to deliveries under contracts or orders placed with any person, that person is termed a "supplier."

(c) The rating hereby assigned shall extend to material of the kinds listed on Exhibit A, a part hereof, if such material is covered by any contracts or orders placed by the producer (but not including subcontracts or suborders), and if such material is to enter into the production of cranes, which cranes are to enter directly or indirectly into the production of material for delivery under "Defense Orders": Provided, That:

(1) The quantities of material covered by such extensions shall not be greater than necessary for the effective operation of each such producer's plant for the fulfillment of Defense Orders.

(2) The delivery dates for material covered by such extensions shall not be earlier than necessary to fulfill Defense Orders on schedule, and all deliveries

shall be in accordance with carefully planned production schedules.

(3) The material covered by each such extension cannot be secured in the quantities, or on the delivery date required except through the use of such preference rating.

- (d) The producer shall:
- (1) Maintain accurate records concerning inventories and stocks on hand and orders and contracts on books, and concerning all extensions of said preference rating pursuant to this section, including the name and address of each supplier and the kinds and quantities of material covered by such preference rating extensions and dates of delivery of said material.

(2) Furnish to the Tools and Equipment Group of the Priorities Division of the Office of Production Management statements of all orders on his books, at such times and in such form and completeness as it may request or has requested.

- (3) Furnish to the Priorities Division of the Office of Production Management once each month a duly executed report on Form No. PD-6, which is attached hereto, and such other information with respect to any of the matters referred to in paragraphs (d) (1) or (d) (2) as it may request, or any other information which it deems necessary to the operation of the Priorities System.
- (4) Submit, from time to time, on request, to an audit and inspection by representatives of the Priorities Division with respect to any of the matters referred to in paragraphs (d) (1), (d) (2), or (d) (3).
- (5) Make deliveries of his products or parts as directed by the Director of
- (e) Deliveries by suppliers shall be made in accordance with the following
- (1) Preference ratings are in order of precedence, A-A, A-1-a, A-1-b * A-1-j, A-2, A-3, etc.
- (2) Deliveries under contracts or orders bearing no preference rating or a lower preference rating shall, if necessary, be subordinated in order to make delivery under contracts or orders bearing a higher preference rating, upon the delivery dates specified in such contracts or orders.
- (3) The sequence of deliveries under contracts or orders bearing the same preference rating shall be governed by the delivery date specified in such contracts or orders.
- (4) When there is doubt as to whether a particular contract or order is a Defense Order, the matter shall, before any action is taken thereon, be referred to the Director of Priorities, with a statement of all pertinent known facts, for his determination.
- (5) Preference ratings may have been, or may be, specifically assigned by the Director of Priorities to deliveries under

contracts or orders placed with suppliers, or other specific directions may be issued by said Director with respect to such deliveries. In the absence of such ratings or directions, and until further Order, deliveries may be made by the supplier under contracts or orders which have not been assigned preference ratings, subject, however, to the requirements of paragraph (e) (2) hereof.

- (f) This section shall not become effective in favor of the producer, and no extension hereunder shall be valid, unless and until he shall have duly executed in duplicate, through a duly authorized officer, the copies of this order, one such executed copy to be returned to the Priorities Division of the Office of Production Management. Extension to the material covered by contracts or orders of the producer, in accordance with provision of this section, shall become effective as to any particular supplier when such supplier is furnished with a photostatic copy of the retained executed copy.
- (g) This section may, subject to the requirements specified in paragraph (c) hereof, be invoked by the producer to assign an A-1-a rating to deliveries under contracts or orders placed by him even though such contracts or orders have previously been assigned an A-1-c rating by the application of General Preference Order No. P-1, if the continuation of the latter would result in deliveries of material so late as to prevent the fulfillment of Defense Orders on schedule.
- (h) This section, the assignment of said preference rating and any specific extensions hereunder, may be revoked, or modified, by the Director of Priorities at any time. After any revocation, or upon expiration, of this section and of the assignment of said preference rating hereunder, all existing extensions, unless specifically revoked or modified, shall continue until deliveries of the material covered thereby shall have been made, but no additional assignments of preference ratings hereunder shall thereafter be
- (i) General Preference Order No. P-1 issued under date of March 12, 1941, is hereby revoked, as of the 28th day of May 1941.
- (j) This section, and the assignment of said preference rating hereunder, shall take effect on the 26th day of May 1941, and, unless sooner revoked, shall expire on the 31st day of July 1941. (This Order is issued by the Director of Priorities in the best interests of the National Defense. O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629. January 7, 1941, 6 F.R. 191; sec 2 (a) Public, No. 671, 76th Congress.)

Issued this 26th day of May 1941.

E. R. STETTINIUS, Jr., Director of Priorities.

EXHIBIT A

Electrical equipment as follows: Motors, Switches, Controllers, Connections—finished or semifinished fabricated parts and acces-

¹⁶ F.R. 2604

sories; bar, plate, shapes, forgings, and castings, of steel.

Other material may be added to this list if evidence presented to the Director of Priorities indicates that such addition would be in the interests of national defense

The undersigned acknowledges receipt of the above order, and hereby accepts and agrees to comply with and fulfill the terms, conditions, obligations, and requirements specified therein.

Legal name of producer

By_____Signature of officer and title

STATE OF. County of _____

Personally appeared before me this ____ day of _____, who being duly sworn, deposes and says that he is the person who signed the foregoing acceptance of the foregoing order on behalf of said corporation and that he is duly authorized by said corporation to do so, and that the same is the act of said corporation.

Notary Public.

My commission expires the ___ day of -, 1941.

[F. R. Doc. 41-4033; Filed, June 5, 1941; 1:49 p. m.]

Notices

WAR DEPARTMENT.

[Change Order No. A]

SUMMARY OF CHANGE ORDER 1 TO COST-PLUS-A-FIXED-FEE CONTRACT' FOR ARCHITECTURAL-ENGINEERING SERVICES IN CONNECTION WITH THE CONSTRUCTION OF A CANTONMENT CAMP, AT FORT KNOX. KENTUCKY

CONTRACTOR: HAVENS AND EMERSON, LEADER BUILDING, CLEVELAND, OHIO

APRIL 25, 1941.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

Add the work listed herein to the description of the work now set forth in Article I of the principal contract.

Delete the work listed herein from the description of the work now set forth in Article I of the principal contract.

The above will result in a net increase in the estimated construction cost and the Architect-Engineer's fixed-fee as follows:

Increase the estimated construc-

tion cost by \$3,760,825
Total estimated cost (after de-

ductions indicated above of

\$4,865) including this Change Order____ 8, 524, 268

Total fixed-fee including this Change Order____

46, 380

Increase in Architect-Engineer's fixed-fee

Funds are available under Procurement Authority Nos. QM 8258 P1 3211 A 0540.-068-N, and QM 7956 P1 3211 A 0540.068-N.

\$15.910

JOHN W. N. SHULZ. Brigadier General, U.S. Army, Director of Purchases and Contracts.

[F. R. Doc. 41-4035; Filed, June 6, 1941; 9:30 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1606-FD]

IN THE MATTER OF LAWRENCE PAUL (GLENN COAL CO.), REGISTERED DISTRIBUTOR, REGISTRATION No. 3515, DEFENDANT

· ORDER CANCELLING HEARING

The above-entitled proceeding having been previously scheduled for hearing on June 6, 1941 at Salt Lake City, Utah. and upon good cause appearing therefor;

It is ordered. That this proceeding is withdrawn without prejudice to the renewal thereof at any time and the hearing previously scheduled for June 6, 1941 at Salt Lake City, Utah, is hereby cancelled.

Dated: June 4, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-4036; Filed, June 6, 1941; 9:50 a. m.]

[Docket Nos. 1624-FD, 1623-FD]

IN THE MATTERS OF COAL HILL MINING COMPANY, REGISTRATION No. 1675, POWER FUEL COMPANY, INC., REGISTRA-TION No. 7427, DISTRICT No. 1, DE-FENDANTS

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARINGS

The above-entitled proceedings having been scheduled for hearing on June 6. 1941 in the Post Office Building, Punxsutawney, Pennsylvania, before Charles O. Fowler, a Trial Examiner of the Division and the defendants having requested that the hearings be postponed, and upon good cause shown:

It is ordered, That the hearing in the matter of Coal Hill Mining Company, Registration No. 1675, be postponed until 10 o'clock a. m., and the hearing in the matter of Power Fuel Company, Inc., Registration No. 7427, be postponed until 2 o'clock p. m. on June 19, 1941 at the place heretofore designated and before the officers previously designated to preside at said hearings.

Dated: June 4, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-4038; Filed, June 6, 1941;

[Docket No. A-891]

PETITION OF PRINCETON MINING COMPANY, A CODE MEMBER PRODUCER IN DISTRICT No. 11, FOR THE ESTABLISHMENT OF SEA-SONAL DISCOUNTS TO APPLY ON SALES OF COAL PRODUCED AT ITS KING STATION MINE FOR TRUCK SHIPMENT TO MARKET AREAS 32, 35, 36, AND 38 DURING CERTAIN SPECIFIED MONTHS

NOTICE OF AND ORDER FOR HEARING ON TEM-PORARY AND PERMANENT RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of seasonal discounts to apply on sales of coal produced at its King Station Mine for truck shipment to Market Areas 32, 35, 36, and 38 during certain specified months;

It is ordered. That a hearing on temporary and permanent relief in the aboveentitled matter be held, under the applicable provisions of said Act, and the rules and regulations of the Division, on July 8, 1941, at 10 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 1, 1941.

The matter concerned herewith is in regard to the petition of the Princeton Mining Company, a code member producer in District No. 11, for the estab-

¹ Approved by the Under Secretary of War May 6, 1941. 25 F.R. 5129.

lishment of seasonal discounts to apply on sales of coal produced at its King Station Mine for truck shipment during the months of May, June, July, and August to Market Areas 32, 35, 36, and 38, such discounts to be either (1) equal in amounts in the several months to that established for its coals for rail shipment, or (2) in the alternative, if the Director should determine summer discounts should be allowed only on sales to retail dealers, that the discounts requested be allowed on the petitioner's truck shipments to retail dealers.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

Dated: June 4, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-4037; Filed, June 6, 1941; 9:50 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE RENEWAL OF A RE-QUEST FOR AN EXEMPTION FROM THE HOUR AND OVERTIME PROVISIONS OF THE PUBLIC CONTRACTS ACT OF CONTRACTS FOR CANNED SEASONAL OR PERISHABLE FRUITS OR VEGETABLES

NOTICE OF HEARING

The Secretary of War having made written findings that the inclusion in contracts let by the War Department for the purchase of canned fruits and vegetables of the varieties named in the attached list of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036), hereinafter called the Act, will seriously impair the conduct of government business, and

The Secretary of War having renewed the request heretofore made by him that an exemption be granted under section 6 of the Act permitting the award of contracts for the purchase of canned fruits and vegetables of the varieties named in the attached list for a period of one year without the inclusion in the invitations to bid and in the contracts of any of the representations and stipulations of section 1 of the Act, and

The request of the War Department heretofore made having been denied without prejudice in my decision of January 30, 1941, solely because of the inability at that time of the War Department to make the finding required by section 6 of the Act that the inclusion of the representations and stipulations

of section 1 of the Act would seriously impair the conduct of Government business.

A hearing will be held on June 9, 1941, before me in Room B, Departmental Auditorium, Fourteenth Street and Constitution Avenue, Washington, D. C., to determine whether justice or the public interest will be served by the exempting of such contracts from all the provisions of section 1 of the Acc.

Interested parties may be heard either in person or by authorized representatives. Briefs or telegraphic communications may be filed and will be considered if they are received on or before the hearing date. No form for the briefs is prescribed, but an original and four copies must be submitted. Notice of intention to appear should be filed not later than June 8, 1941.

Dated: June 2, 1941.

L. METCALFE WALLING,
Administrator.

List of anticipated requirements of certain canned foods for year 1941

	_		-
Item	Unit	Quarterly require- ments	Yearly require- ments
-	7447.5		
	Can	The same of	
W - W -	No.	Cans	Cans
Corn, canned	2	6, 000, 000	24, 000, 000
Apples, canned	10	195, 000	780, 000
Applesauce, canned	10	(1)	774, 560
Apricots, canned	10	193, 640	774, 000
Blackberries, canned Blueberries (huckleberries).	10		
Cherries, canned	10	73, 637	294, 548
Figs, canned	10	10,001	201, 010
Fruit cocktail, canned	10		
Grapes, various, canned	10		
Grapefruit, canned	10	95, 238	380, 952
Grapefruit juice, canned	10	50, 200	000,000
Loganberries, canned	10	*********	
Peaches, canned	10	490, 918	1, 963, 672
Pears, canned	10	194, 444	777, 776
Pineapple, canned	10	694, 444	2, 777, 776
Plums, canned	10		
Prunes, fresh, canned	10	196, 367	785, 468
Raspberries, canned	10		
Sauces, chill & worcester-			
shire	10		
Asparagus, canned	10	250,000	1,000,000
Beans, lima, canned	10	171, 428	682, 712
Beans, string (or snap)	110	THE RESIDENCE	CONTRACTOR OF THE PARTY OF
canned	10	507, 929	2,031,716
Cabbage, canned	10	*******	
Catsup, canned	10	90,000	360,000
Peas, canned		1, 142, 857	4, 571, 428
Pumpkin, canned			3, 600, 000
Spinach, canned		495, 922	1, 983, 686
Squash, canned	10	7 700 103	6, 368, 724
Tomatoes, canned		1, 592, 181	3, 184, 364
Tomato Juice		796, 091	0, 159, 004
Tomato Puree, canned		173, 077	692, 308
Beets, canned		173, 077	692, 308
Carrots, canned	10	110,011	002,000
	-	A STATE OF THE PARTY OF THE PAR	The second secon

1 Included with canned apples.

[F. R. Doc. 41-4039; Filed, June 6, 1941; 10:11 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-31]

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: (A) BREAD, AND ROLLS OR BUNS; (B) ENRICHED BREAD AND ENRICHED ROLLS OR ENRICHED BUNS; (C) MILK BREAD, AND MILK

ROLLS OR MILK BUNS; (D) CREAM BREAD, AND CREAM ROLLS OR CREAM BUNS: (E) BUTTER BREAD, AND BUTTER ROLLS OR BUTTER BUNS; (F) EGG BREAD, AND EGG ROLLS OR EGG BUNS; (G) HONEY BREAD, AND HONEY ROLLS OR HONEY BUNS; (H) BUTTER AND EGG BREAD, AND BUTTER AND EGG ROLLS OR BUTTER AND EGG BUNS; (I) MILK AND HONEY BREAD, AND MILK AND HONEY ROLLS OR MILK AND HONEY BUNS; (J) RAISIN BREAD, AND RAISIN ROLLS OR RAISIN BUNS; (K) WHOLE WHEAT BREAD, AND WHOLE WHEAT ROLLS OR WHOLE WHEAT BUNS: (L) BREADS, AND ROLLS OR BUNS, MADE WITH MIXTURES OF FLOUR, WHOLE WHEAT FLOUR, CRACKED WHEAT, CRUSHED WHEAT

NOTICE OF HEARING

Notice is hereby given that the Administrator of the Federal Security Agency, upon his own initiative and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act, secs. 401 and 701, 21 U.S.C. secs. 341 and 371 (Supp. V, 1939), will hold a public hearing commencing at 10 o'clock in the morning of July 7, 1941, in Rooms A, B, and C, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing a definition and standard of identity for each of the foods named in the caption hereof.

The proposed definitions and standards of identity, which are subject to adoption, rejection, amendment, or modification, in whole or in part, as the evidence of record at the hearing may require, are as follows:

§ 17.500 Bread, and rolls or buns-Identity; label statement of optional ingredients. (a) Each of the foods bread, and rolls or buns, is prepared by baking a kneeded yeast-leavened dough made by moistening flour with water, or with one or more of the liquid optional ingredients hereinafter specified, or with any mixture of water and one or more of such ingredients. (The term "flour", unqualified, as used in this section includes bromated flour and phosphated flour.) Each of such foods is seasoned with salt, and in its preparation one or more of the optional ingredients prescribed by the following subparagraphs (1) to (11) inclusive may be used:

- (1) Shortening, composed of the rendered fat or oil (any or all of which may be hydrogenated) of cattle, swine, sheep, or goats; or of any vegetable food fat or oil (any or all of which may be hydrogenated); or of any marine animal food fat or oil (any or all of which may be hydrogenated); or butter; or of any combination of two or more of such articles.
- (2) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, cream, skim milk, concen-

trated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any combination of two or more of these, or any combination of one or more of these with butter.

(3) Buttermilk, concentrated buttermilk, dried buttermilk, or any combination of two or more of these.

- (4) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, egg white, frozen egg white, dried egg white, or any combination of two or more of these; but the total weight of egg solids therein is less than 5 parts for each 100 parts by weight of
- (5) Sugar, invert sugar sirup, refiners sirup, dextrose, honey, corn sirup, dried corn sirup, nondiastatic malt sirup, nondiastatic dried malt sirup, or any combination of two or more of these; but if honey is used the weight of its solids is less than 16 parts for each 100 parts by weight of flour used.
- (6) Malt sirup, dried malt sirup, malted barley flour, malted wheat flour, each of which is diastatically active, or any combination of two or more of these, in a quantity which compensates for any natural deficiency of enzymes in the flour used.
- (7) Corn flour, potato flour, rice flour, soybean flour, cornstarch, potato starch, sweet potato starch, any of which may be wholly or in part dextrinized, or any combination of two or more of these; but the total weight thereof is not more than 3 parts for each 100 parts by weight of flour used.
- (8) Calcium sulfate, calcium lactate, ammonium phosphate, ammonium sulfate, ammonium chloride, ammonium carbonate, ammonium lactate, or any combination of two or more of these; but the total weight thereof is not more than 0.25 part for each 100 parts by weight of flour used.
- (9) Potassium bromate, potassium iodate, calcium peroxide, ammonium persulfate, potassium persulfate, or any combination of two or more of these; but the total weight thereof (including the weight of potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour
- (10) Monocalcium phosphate or a vinegar or any combination of these, in such total quantity as is necessary to adjust the acidity of the dough to a pH of not less than 5.

(11) Spice.

Each of such foods contains not less than 62 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread-Official", except that if the baked unit weighs one pound or more one entire unit is used for the determination, and if the baked unit weighs less than one pound such number of entire units as weighs one pound or more is used for the determination.

(b) In order to distinguish bread from butter bread, cream bread, and milk bread, the total weight of milk fat resulting from the use of ingredients permitted by subparagraphs (1) and (2) of paragraph (a) is less than 12 parts for each 100 parts by weight of flour used: and in case the total weight of the nonfat milk solids in such ingredients is more than 1.2 times but not more than 2.3 times the total weight of milk fat in such ingredients, the combined weights of such nonfat milk solids and such milk fat is less than 8.5 parts for each 100 parts by weight of flour used. The word "milk" as used in this section means cows' milk.

(c) "Bread" is baked in units each of which at all times after cooling weighs one-half pound or more. "Rolls" or "Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

(d) When the optional ingredient spice is used, the label shall bear the statement "Spiced" or "Spice Added" or "With Added Spice"; but, in lieu of the word "spice", the common or usual name or names of the spice may be used. Whenever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 17.510 Enriched bread, and enriched rolls or enriched buns-Identity; label statement of optional ingredients. (a) Each of the foods enriched bread, and enriched rolls or enriched buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b), and (d), except that:

(1) each such food contains in each pound not less than 1 milligram and not more than 4 milligrams of vitamin B:, not less than 0.8 milligram and not more than 3.2 milligrams of riboflavin, not less than 4 milligrams and not more than 16 milligrams of nicotinic acid or nicotinic acid amide, not less than 4 milligrams and not more than 16 milligrams of iron (Fe);

(2) each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 160 U.S. P. units and not more than 640 U. S. P. units of vitamin D;

(3) each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 333 milligrams and not more than 1333 milligrams of calcium (Ca); however the optional ingredients which contain calcium and which are permitted by § 17.500 (a) may be used within the limits prescribed by such section (as modified by subparagraph (6) of this paragraph), irrespective of the minimum limit for calcium herein prescribed;

(4) each such food may also contain as an optional ingredient wheat germ or partly defatted wheat germ; but in no case is the total quantity thereof more than the maximum which may be present as a result of the use of enriched

(5) enriched flour may be used, in whole or in part, instead of flour; and

- (6) the limits prescribed by § 17.500 (b) on the weight of milk fat and the combined weights of nonfat milk solids and milk fat do not apply to such food. As used in this section the term "flour". unqualified, includes bromated flour and phosphated flour; the term "enriched flour" includes enriched bromated flour. The prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) may be supplied or partly supplied through the use of enriched flour; or through the direct addition of such substance under the conditions permitted and under the limitations prescribed by § 15.010 for the addition of such substance in the preparation of enriched flour; or through the use of any ingredient containing such substance, which ingredient is required or permitted by § 17.500 (a), within the limits, if any, prescribed by such section (as modified by subparagraph (6) of this paragraph); or through the use of wheat germ within the limit prescribed in subparagraph (4) of this paragraph: or through any two or more of such methods.
- (b) "Enriched Bread" is baked in units each of which at all times after cooling weighs one-half pound or more. "Enriched Rolls" or "Enriched Buns" are baked in units each of which weighs less than one-half pound at all times after
- § 17.520 Milk bread, and milk rolls or milk buns-Identity; label statement of optional ingredients. (a) Each of the foods milk bread, and milk rolls or milk buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d), except that:
- (1) an ingredient permitted by § 17.500 (a) (2), in which the weight of nonfat milk solids is more than 1.2 times but not more than 2.3 times the weight of milk fat, is used in such quantity that the combined weight of nonfat milk solids and milk fat therein is not less than 8.5 parts for each 100 parts by weight of flour used;

(2) no other ingredient permitted by § 17.500 (a) (2) is used;

(3) no butter, either alone or in combination with any other fat or oil, is used as shortening; and

(4) no ingredient permitted by § 17.500 (a) (3) is used.

The term "flour" as used in this section includes bromated flour and phos-

phated flour.

(b) "Milk Bread" is baked in units each of which at all times after cooling weighs one-half pound or more. "Milk Rolls" or "Milk Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

§ 17.530 Cream bread, and cream rolls or cream buns—Identity; label statement of optional ingredients. (a) Each of the foods cream bread, and cream rolls or cream buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d), except that:

(1) an ingredient permitted by § 17.500 (a) (2), in which the weight of nonfat milk solids is more than 0.4 time but not more than 0.5 time the weight of milk fat, is used in such quantity that the weight of milk fat therein is not less than 12 parts for each 100 parts by weight of flour used;

(2) no other ingredient permitted by § 17.500 (a) (2) is used; and

(3) no ingredient permitted by § 17.-500 (a) (1) and (3) is used.

The term "flour" as used in this section includes bromated flour and phosphated flour

(b) "Cream Bread" is baked in units each of which at all times after cooling weighs one-half pound or more. "Cream Rolls" or "Cream Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

§ 17.540 Butter bread, and butter rolls or butter buns—Identity; label statement of optional ingredients. (a) Each of the foods butter bread, and butter rolls or butter buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d), except that:

(1) butter is used in such quantity that the weight of milk fat therein is not less than 12 parts for each 100 parts by weight of flour used;

(2) no ingredient permitted by § 17.-500 (a) (1) except butter is used; and

(3) no ingredient permitted by § 17.-500 (a) (2) and (3) is used.

The term "flour" as used in this section includes bromated flour and phosphated flour.

(b) "Butter Bread" is baked in units each of which at all times after cooling weighs one-half pound or more. "Butter Rolls" or "Butter Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

§ 17.550 Egg bread, and egg rolls or egg buns—Identity; label statement of optional ingredients. (a) Each of the foods egg bread, and egg rolls or egg buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional

ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d), except that:

(1) eggs are used in such quantity that the weight of egg solids therein is not less than 5 parts for each 100 parts by weight of flour used (the term "eggs" as used in this subparagraph means liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, or any combination of two or more of these); and

(2) no egg white, frozen egg white, or dried egg white is used in the dough.

The term "flour" as used in this section includes bromated flour and phosphated flour.

(b) "Egg Bread" is baked in units each of which at all times after cooling weighs one-half pound or more. "Egg Rolls" or "Egg Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

§ 17.560 Honey bread, and honey rolls or honey buns—Identity; label statement of optional ingredients. (a) Each of the foods honey bread, and honey rolls or honey buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d), except that:

(1) honey is used in such quantity that the weight of solids therein is not less than 16 parts for each 100 parts by weight of flour used; and

(2) no ingredient permitted by § 17.500 (a) (5) except honey is used.

The term "flour" as used in this section includes bromated flour and phosphated flour.

(b) "Honey Bread" is baked in units each of which at all times after cooling weighs one-half pound or more. "Honey Rolls" or "Honey Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

§ 17.570 Butter and egg bread, and butter and egg rolls or butter and egg buns—Identity; label statement of optional ingredients. (a) Each of the foods butter and egg bread, and butter and egg rolls or butter and egg buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d), except that:

(1) butter is used in such quantity that the weight of milk fat therein is not less than 12 parts, and eggs are used in such quantity that the weight of egg solids therein is not less than 5 parts, for each 100 parts by weight of flour used (the term "eggs" as used in this subparagraph means liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, or any combination of two or more of these);

(2) no ingredient permitted by § 17.500 (a) (1) except butter is used;

(3) no ingredient permitted by § 17.500 (a) (2) and (3) is used; and

(4) no egg white, frozen egg white, or dried egg white is used in the dough.

The term "flour" as used in this section includes bromated flour and phosphated flour.

(b) "Butter and Egg Bread" is baked in units each of which at all times after cooling weighs one-half pound or more, "Butter and Egg Rolls" or "Butter and Egg Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

§ 17.580 Milk and honey bread, and milk and honey rolls or milk and honey buns—Identity; label statement of optional ingredients. (a) Each of the foods milk and honey bread, and milk and honey rolls or milk and honey buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d).

except that:

(1) an ingredient permitted by § 17.500 (a) (2), in which the weight of nonfat milk solids is more than 1.2 times but not more than 2.3 times the weight of milk fat, is used in such quantity that the combined weight of nonfat milk solids and milk fat therein is not less than 8.5 parts, and honey is used in such quantity that the weight of solids therein is not less than 16 parts, for each 100 parts by weight of flour used;

(2) no other ingredient permitted by § 17.500 (a) (2) and (5) is used;

(3) no butter, either alone or in combination with any other fat or oil, is used as shortening; and

(4) no ingredient permitted by § 17.500(a) (3) is used.

The term "flour" as used in this section includes bromated flour and phosphated flour.

(b) "Milk and Honey Bread" is baked in units each of which at all times after cooling weighs one-half pound or more. "Milk and Honey Rolls" or "Milk and Honey Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

§ 17.590 Raisin bread, and raisin rolls or raisin buns—Identity; label statement of optional ingredients. (a) Each of the foods raisin bread, and raisin rolls or raisin buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d), except that:

(1) not less than 35 parts by weight of seeded or seedless raisins are used for each 100 parts by weight of flour used;

(2) the baked units may bear icing or frosting; and

(3) in determining its total solids, instead of following the direction "Grind sample just to pass a 20-mesh sieve" (Official and Tentative Methods of Analysis of the Association of Official Agri-

cultural Chemists, Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official"), comminute the sample by passing it twice through a food chopper.

The term "flour" as used in this section includes bromated flour and phosphated flour.

(b) "Raisin Bread" is baked in units each of which at all times after cooling weighs one-half pound or more. "Raisin Rolls" or "Raisin Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

§ 17.600 Whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns-Identity; label statement of optional ingredients. (a) Each of the foods whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d), except that the dough is made with whole wheat flour and no flour is used therein. As used in this section the term "flour", unqualified, includes bromated flour and phosphated flour; the term "whole wheat flour" includes bromated whole wheat flour.

(b) "Whole Wheat Bread", "Graham Bread", or "Entire Wheat Bread" are baked in units each of which at all times after cooling weighs one-half pound or more. "Whole Wheat Rolls", "Graham Rolls", "Entire Wheat Rolls", "Whole Wheat Buns", "Graham Buns", or "Entire Wheat Buns" are baked in units each of which weighs less than one-half pound at all times after cooling.

§ 17.610 Breads, and rolls or buns, made with mixtures of flour, whole wheat flour, cracked wheat, crushed wheat-Identity; label statement of optional ingredients. (a) The articles for which definitions and standards of identity are prescribed by this section are foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, and rolls or buns, by § 17.500 (a), (b) and (d), except that the dough is made with a mixture of two or more of the following wheat ingredients in which the weight of each such ingredient used is not less than 20 percent of the weight of such mixture:

(1) Flour (including bromated flour and phosphated flour).

(2) Whole wheat flour (including bromated whole wheat flour).

(3) Cracked wheat.

(4) Crushed wheat.

(b) If it is baked in units each of which weighs one-half pound or more at

all times after cooling, it is "______Bread." If it is baked in units each of which weighs less than one-half pound at all times after cooling, it is "______Rolls" or "______Buns." (The blank to be filled in each instance with the names of the wheat ingredients in the order of predominance, if any, by weight of such ingredients in the mixture used in making the dough, as for example "White and Whole Wheat Bread." The name of wheat ingredient (1) is "White"; of (2) is "Whole Wheat", "Graham", or "Entire Wheat"; of (3) is "Cracked Wheat"; and of (4) is "Crushed Wheat.")

All interested persons are invited to attend the hearing, either in person or by representative, and to offer evidence relevant and material to the subject matter of the proposals.

Alanson W. Willcox hereby is designated as presiding officer to conduct the hearing, in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings, as published in 21 Code of Federal Regulations, §§ 2.701–2.715 (Supp. 1939).

In lieu of personal appearance, interested persons may offer affidavits by delivering the same to the presiding officer at Room 2240, South Building, Independence Avenue, between 12th and 14th Streets, SW., Washington, D. C., on or before the date of the opening of the hearing. Such affidavits, if relevant and material, may be received and made a part of the record at the hearing, but the Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements made in the form of affidavits. Every interested person will be permitted to examine the affidavits offered and to file counter-affidavits with the presiding officer.

Washington, D. C., June 5, 1941.
[SEAL] WATSON B. MILLER,
Acting Federal Security
Administrator.

[F. R. Doc. 41-4043; Filed, June 6, 1941; 11:24 a. m.]

FEDERAL TRADE COMMISSION.
[Docket No. 4478]

IN THE MATTER OF BARD-PARKER COM-PANY, INC., A CORPORATION, AND PARKER, WHITE & HEYL, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TES-TIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of June, A. D. 1941, This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law:

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 16, 1941, at nine o'clock in the forenoon of that day (Eastern Standard Time) in Postmaster's Office, Room 129, Post Office Building, Danbury, Connecticut.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4047; Filed, June 6, 1941; 11:42 a.m.]

[Docket No. 4485]

IN THE MATTER OF W. K. STERLINE, AN IN-DIVIDUAL, AND MUMM, ROMER, ROBBINS & PEARSON, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of June, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, June 25, 1941, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Court Room No. 2, New Federal Building, Columbus, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

EAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4048; Filed, June 6, 1941; 11:42 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-310]

IN THE MATTER OF FEDERAL LIGHT & TRAC-TION COMPANY, ALBUQUERQUE GAS AND ELECTRIC COMPANY, DEMING ICE AND ELECTRIC COMPANY, THE LAS VEGAS LIGHT AND POWER COMPANY, NEW MEX-ICO POWER COMPANY, AND THE TUCSON GAS, ELECTRIC LIGHT AND POWER COM-

ORDER GRANTING APPLICATIONS AND PER-MITTING DECLARATIONS TO BECOME EF-

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of June, A. D. 1941.

Federal Light & Traction Company, a registered holding company, and its subsidiary public utility companies, Albuquerque Gas and Electric Company, Deming Ice and Electric Company, The Las Vegas Light and Power Company, New Mexico Power Company and The Tucson Gas, Electric Light and Power Company, having filed applications and declarations and amendments thereto, pursuant to sections 7, 10, 12 (b), 12 (c), 12 (d) and 12 (f) of the Public Utility * Holding Company Act of 1935, and Rules U-42, U-43, U-44 and U-45 promulgated thereunder with regard to:

(1) The issue and sale of 31/2% First Mortgage Bonds, due 1966, to John Hancock Mutual Life Insurance Company by the following companies, in the following amounts:

Albuquerque Gas and Electric Company_____ Deming Ice and Electric Com-_ \$3,000,000 300,000 pany_ The Las Vegas Light and Power 225,000 Company_ New Mexico Power Company 2,000,000 The Tucson Gas, Electric Light and Power Company

(2) The issue and sale to Federal Light & Traction Company of common stock by the following companies in the following amounts:

> Company Stock

Albuquerque Gas & 14,760 shares common Electric Co. stock \$100 par value.

Deming Ice & Electric 3,364 shares common stock \$100 par value The Las Vegas Light & 841 shares common Power Co. stock \$100 par value. New Mexico Power Co. 118,200 shares com-mon stock no par

The Tucson Gas, Elec- 20,000 shares common tric Light & Power stock no par value.

(3) The acquisition and retirement of all outstanding bonds, notes, open accounts and preferred stocks by Albuquerque Gas and Electric Company, Deming Ice and Electric Company, The Las Vegas Light and Power Company, New Mexico Power Company, and The Tucson Gas, Electric Light and Power Company.

(4) The sale by Albuquerque Gas and Electric Company to New Mexico Power Company of 178 shares of \$7 Cumulative Preferred Stock of New Mexico Power Company.

(5) The disposition by Federal Light & Traction Company of securities of Albuquerque Gas and Electric Company, Deming Ice and Electric Company, The Las Vegas Light and Power Company, New Mexico Power Company, and The Tucson Gas, Electric Light and Power Company, to be retired and redeemed by such companies.

(6) The capital contribution effected by cancellation by Federal Light & Traction Company of notes and open accounts of the following subsidiary companies in the following aggregate amounts:

Deming Ice & Electric Co_____ \$285, 922.80 The Las Vegas Light & Power Co_ 157, 551.18

(7) The acquisition by Federal Light & Traction Company of the common stocks to be issued by Albuquerque Gas and Electric Company, Deming Ice and Electric Company, The Las Vegas Light and Power Company, New Mexico Power Company, and The Tucson Gas, Electric Light and Power Company.

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That said applications, as amended, be and the same hereby are granted, and that said declarations, as amended, be and the same hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

That, so long as any of the First Mortgage Bonds, 31/2% Series due 1966, of The Tucson Gas, Electric Light and Power Company shall be outstanding, such declarant will not declare or pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock unless its earned surplus remaining after such declaration is not less than \$1,524,000; Provided, however, That such amount may be reduced by surplus adjustments applicable to a period prior to February 28, 1941, and charges to earned surplus in respect of loss on sale, abandonment or write-down of properties or investments owned on said date, write-down or write-off of the excess of the cost to the declarant of properties over the original cost of such properties when first devoted to the public use and transfers to capital or reserves. This provision shall be subject to revocation, in full or in part, by this Commission at any time on its own motion or upon application of the declarant.

That, attorneys' fees to be paid in connection with services performed in re-

spect of these transactions shall not exceed the aggregate amount of \$47,500.

It is further ordered, That jurisdiction be and hereby is reserved with respect to the fees proposed to be paid White, Weld & Company and that no fees shall be paid White, Weld & Company until further order of the Commission.

By the Commission.

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-4046; Filed, June 6, 1941; 11:33 a. m.]

[File No. 70-311]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY AND FEDERAL WATER SERVICE CORPORATION

ORDER GRANTING APPLICATION AND PERMIT-TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of June, A. D. 1941.

A declaration and an application, together with amendments thereto, having been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named persons concerning the following:

Southern Natural Gas Company, a registered holding company and a subsidiary of Federal Water Service Corporation also a registered holding company, proposes to issue and sell \$13,000,000 principal amount of its First Mortgage Pipe Line Sinking Fund Bonds, 31/4 % Series, due 1956, dated April 1, 1941, for 1011/4% of their principal amount, to an underwriting group headed by Halsey, Stuart & Co., Inc., for resale to the public at 103% of their principal amount, in each case with accrued interest; and to issue and sell \$4,500,000 principal amount of its 21/2% Serial Notes due May 1, 1942, and semi-annually thereafter until May 1, 1947, to various banks at 100% of their principal amount; and to issue and sell 234,868 shares of its common stock having a par value of \$7.50 per share to its present stockholders in the ratio of 1/5 of 1 share for each share held at a price of \$12.50 per share, such subscription rights to be evidenced by transferable warrants: and

Federal Water Service Corporation proposes to acquire at a price of \$12.50 per share 123,066 shares being the amount of its pro rata portion of the stock presently outstanding, and it also proposes to purchase at a price of \$12.50 per share all of the said common stock not subscribed for by other stockholders of said Southern Natural Gas Company within ten (10) days after said subscription war-

rants have expired; and

A public hearing having been duly held; the Commission having examined the record in this matter

It is ordered, That the declaration pursuant to section 7 of the Act and Rule U-43 be, and the same hereby is permitted to become effective forthwith and that the application pursuant to section 10 of the Act be, and the same hereby is granted, subject however to the terms and conditions set forth in Rule U-24 and to the following further condition;

That the Certificate of Incorporation of Southern Natural Gas Company be amended to provide for cumulative voting in accordance with the terms of proposed amendment with respect thereto.

It is further ordered, That jurisdiction be reserved to pass upon the propriety of the realization by Federal Water Service Corporation of the profit of \$1,152.00 resulting from the redemption of the 6% Adjustment Mortgage Bonds by Southern Natural Gas Company.

By the Commission, (Chairman Eicher, Commissioners Henderson and Pike) Commissioner Healy being absent and not participating.

[SEAL]

FRANCIS P. BRASSOR,

Secretary.

[F. R. Doc. 41-4044; Filed, June 6, 1941; 11:33 a. m.]

[File No. 70-3271

IN THE MATTER OF SOUTHEASTERN ELEC-TRIC AND GAS COMPANY, LEXINGTON WATER POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of June, A. D. 1941.

Notice is hereby given that a declaration and an application have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than June 21, 1941 at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be

addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Southeastern Electric and Gas Company, a registered holding company, proposes to donate to its wholly-owned operating utility subsidiary, Lexington Water Power Company, \$125,000 principal amount Convertible Sinking Fund Debentures due 1953. Southeastern Electric and Gas Company proposes to reflect such donation on its books of account by increasing the carrying value of Lexington Water Power Company's common stock in the amount of \$109.872.48.

Lexington Water Power Company will use said Debentures for the purpose of meeting Sinking Fund payment on such Debentures due July 1, 1941.

Declarant and applicant have indicated sections 9 (a), 10, 12 (b), 12 (c), Rule U-42 and Rule U-45 as being applicable to said transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary

[F. R. Doc. 41-4045; Filed, June 6, 1941; 11:33 a. m.]